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# Fax

## For Formal Communications Intended for Entry

**DATE:** August 10, 2007**NO. OF PAGES INCL THIS PAGE:** 3**TO:** Mail Stop Amendment  
United States Patent Office**FAX NO:** 571-273-8300**ATTN:** Examiner Christine Sung.**GROUP ART UNIT:** 2884**FROM:** Gordon Freedman**FAX NO.:** (613) 274-7414**RE:** U.S. Patent Application No. 10/529,307

Filed: March 25, 2005

Inventors: Guevremont

Title: High Field Asymmetric Waveform Ion Mobility Spectrometer (FAIMS)

Our File: 151-12 US/PCT

### **CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8**


I hereby certify that a Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending "Reference" Application (Form PTO/SB/25) dated August 10, 2007 (in duplicate) in response to the Office Action mailed April 10, 2007 is being transmitted to the United States Patent and Trademark Office on the date shown below. The amendment to the Office Action was filed concurrently, by fax, under separate cover.

  
Shirley WiseAugust 10, 2007

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PTO/SB/25 (04-07)  
Approved for use 09/30/2007

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION		Docket No. 151-12 US/PCT
In re Application of:	Roger Guevremont	
Application No.	10/529,307	
Filed:	March 25, 2005	
For:	High Field Asymmetric Waveform Ion Mobility Spectrometer (FAIMS)	
<p>The owner*, Thermo Finnigan LLC, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted or pending reference Application Number 10/529,306, filed on March 25, 2005, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application." In the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record. Reg. No. 41,553</p> <p>Date: August 10, 2007</p> <p> Gordon Freedman Tel. No. 613-274-7272</p> <p><input checked="" type="checkbox"/> Terminal Disclaimer fee of \$130.00 under 37 CFR 1.20(d) is included.</p> <p>* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.</p>		